

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

PEDRO ROJAS

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Case No.

A-10-M-884

Defendant(s)

FILED
2010 NOV 15 PM 4:17
CLERK OF THE DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 7, 2010 in the county of TRAVIS in the
WESTERN District of TEXAS, the defendant(s) violated:

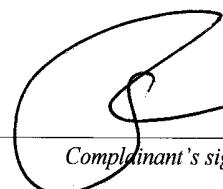
Code Section
 42 USC Section 408(a)(7)(B)
 18 USC Section 1546

Offense Description
 Social Security Number Misuse
 Fraudulent Use of Alien Registration Card

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.



Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/10



Judge's signature

City and state: AUSTIN, TX

ROBERT PITMAN
U.S. MAGISTRATE JUDGE

Printed name and title

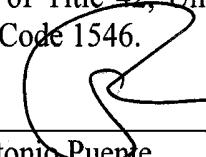
AFFIDAVIT

I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:

1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes and have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Pedro Rojas (hereafter referred to as ROJAS) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1546. Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing Home and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using false or fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that ROJAS was one of the twenty-eight individuals that had obtained employment with the PNHRC. I was provided copies of the documents ROJAS provided when applying for employment. A review of these documents revealed that as a part of the application process, ROJAS provided two forms of identification including a Social Security Card (XXX-XX-1324) and a Permanent Resident Card (A# 091-248-464).
4. On November 12, 2010, I also received Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4); both documents were completed, signed, and dated May 7, 2010 by ROJAS. A review of these documents revealed that ROJAS provided the same SSAN (XXX-XX-1324) on both these forms, claiming that the Commissioner of the Social Security Administration (COSS) issued the SSAN to him. The I-9 revealed that ROJAS provided a Permanent Resident Card (I-551) bearing alien registration number 091-248-464 and a Social Security Card SSAN (XXX-XX-1324), claiming that the numbers had been issued to him. PNHRC made a photocopy of the Social Security Card bearing the name Pedro ROJAS and SSAN XXX-XX-1324 and Permanent Resident Card

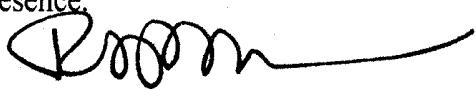
bearing the name Pedro ROJAS and alien registration number 091-248-464, upon further review it appears that, the Social Security Card and Permanent Resident Card are fictitious or counterfeit documents.

5. On November 12, 2010, DHS ICE Special Agent (SA) Deron Matteson conducted DHS systems searches for alien registration number 091-248-464, ROJAS provided the PNHRC during the application process. SA Matteson explained that alien registration number 091-248-464, was a valid alien registration number assigned to another individual and not assigned to ROJAS.
6. On November 12, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was a valid SSAN issued by the COSS but the SSAN was not issued to ROJAS. The systems searches further revealed that the SSAN was originally issued on February 12, 1981, to an individual named A. Morato.
7. On or about May 7, 2010, ROJAS, did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him, in violation of Title 42, United States Code, Section 408(a)(7)(B).
8. On or about May 7, 2010, ROJAS did knowingly possess, obtain, accept, or received a document, to wit, a Permanent Resident Alien Card (I-551), in the name of Pedro ROJAS, prescribed by statute or regulation as evidence of authorized stay or employment in the United States, knowing that document to be forged, counterfeited, altered, or falsely made, or to have been otherwise procured by fraud or unlawfully obtained, in violation of law of Title 18 United States Code 1546.
9. Based on the forgoing, I submit that sufficient probable cause exists to believe that Pedro ROJAS has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1546.



Antonio Puente
Special Agent
Social Security Administration
Office of the Inspector General
Office of Investigations

Sworn to before me and subscribed in my presence.



U.S. Magistrate Judge